

REMARKS

By this Amendment, Applicants cancel claim 11, and amend the specification and claims 1, 5, 8, and 13. Upon entry of this Amendment, claims 1-10 and 12-15 remain pending and under current examination.

In the Office Action¹ of March 30, 2006, the Examiner objected to claim 11 for being a duplicate of claim 9, and rejected claims 1-15 under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Applicants address the objection and the rejection below.

I. Objection to claim 11

Applicants have cancelled claim 11 by this Amendment. Accordingly, Applicants request withdrawal of the objection to claim 11.

II. Claims 1-15 rejected under 35 U.S.C. 101

The Examiner rejected claims 1-15 rejected under 35 U.S.C. § 101, alleging that “the claimed invention is directed to non-statutory subject matter” (OA at 2). The Examiner alleged that claims 1-7 do not recite either a process, a composition of matter, or an article of manufacture (OA at 3 and 4). The Examiner also alleged that claims 1-15 do not produce any tangible results (OA at 5). Applicants disagree with the Examiner’s rejection under 35 U.S.C. § 101. Nonetheless, Applicants have amended the specification and independent claims 1, 5, 8, and 13 to expedite prosecution of this

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether or not any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

application. In particular, Applicants amend the specification to make clear that the claimed “computer program product” does not include a “propagated signal.”

Further to the rejection under 35 U.S.C. § 101, Applicants submit that contrary to the Examiner’s assertion, claims 1-7 do indeed recite a useful process with a related machine. In particular, Applicants’ claimed invention is useful, tangible and concrete. Indeed, Applicants’ independent claims recite useful, non-abstract results, such as “displaying data stored in the first array and the second array.” Applicants call attention to the PTO’s “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility,” which states (on pages 17-18):

While abstract ideas, natural phenomena, and laws of nature are not eligible for patenting, methods and products employing abstract ideas, natural phenomena, and laws of nature to perform a real-world function may well be (emphasis added). In evaluating whether a claim meets the requirements of section 101, the claim must be considered as a whole to determine whether it is for a particular application of an abstract idea, natural phenomenon, or law of nature, rather than for the abstract idea, natural phenomenon, or law of nature itself (emphasis added).

Even if independent claims 1, 5, 8, and 13 may be said to include abstract elements, although Applicants dispute that proposition, claims 1, 5, 8, and 13 provide particular and practical applications of the claimed invention, such as displaying data, and therefore are directed to statutory subject matter.

Claims 2-4, 6-7, 9-10, 12, and 14-15 depend from independent claims 1, 5, 8, and 13. For at least the same reasons in relation to independent claims 1, 5, 8, and 13, dependent claims 2-4, 6-7, 9-10, 12, and 14-15 are also directed to statutory subject

matter. Accordingly, Applicants request withdrawal of the rejection of claims 1-10 and 12-15 under 35 U.S.C. § 101.

III. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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